

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

EDDIE CLEVELAND, et al.

PLAINTIFFS

V.

CIVIL ACTION NO.: 3:09-cv-142-DPJ-FKB

WAL-MART STORES, INC.

DEFENDANT

ORDER

This slip-and-fall case is before the Court on Defendant Wal-Mart's unopposed Motion for Attorney's Fees and Expenses [90]. Plaintiffs previously moved for leave to designate experts out of time [61], which United States Magistrate Judge F. Keith Ball granted. *See* Order [73] May 20, 2010. But "[a]s a sanction for Plaintiffs' failure to provide any good cause for their failure to meet the prior deadlines for expert designations," Judge Ball ordered Plaintiffs to pay Wal-Mart's reasonable fees and costs, including "its future reasonable fees and costs associated with any supplementations as to existing defense experts and any designations of additional defense experts whose testimony is necessary to rebut that of Plaintiffs' new experts." *Id.* In June, Wal-Mart filed an Itemization of Attorneys' Fees and Expenses [78] seeking \$2,479.00 in associated fees and costs. Wal-Mart now seeks an additional \$2,036.50 in attorneys' fees and \$1,700.00 in expenses. Although the magistrate judge already authorized these fees and costs and Wal-Mart's motion is unopposed, "[i]t remains for the district court to determine what fee is 'reasonable.'" *Hensley v. Eckerhart*, 461 U.S. 424, 433 (1983). The Court finds that Wal-Mart's request is reasonable and should therefore be granted. Plaintiffs are ordered to pay those costs and expenses set forth above.

SO ORDERED AND ADJUDGED this the 2th day of November, 2010.

s/ Daniel P. Jordan III
UNITED STATES DISTRICT JUDGE